

By: Senator(s) Hewes

To: Ports and Marine
Resources; Judiciary

SENATE BILL NO. 2998

1 AN ACT TO AMEND SECTION 49-15-63, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE GENERAL PENALTIES FOR SEAFOOD VIOLATIONS; AND FOR
3 RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. Section 49-15-63, Mississippi Code of 1972, is
6 amended as follows:

7 49-15-63. (1) Any person, firm or corporation violating any
8 of the provisions of this chapter or any ordinance duly adopted by
9 the commission, unless otherwise specifically provided for herein,
10 shall, on conviction, be fined not less than Five Hundred Dollars
11 (\$500.00), nor more than One Thousand Dollars (\$1,000.00), for the
12 first offense, unless the first offense is committed during a
13 closed season, in which case the fine shall be not less than One
14 Thousand Dollars (\$1,000.00), nor more than Two Thousand Dollars
15 (\$2,000.00); and not less than One Thousand Dollars (\$1,000.00),
16 nor more than Five Thousand Dollars (\$5,000.00), for the second
17 offense when such offense is committed within a period of three
18 (3) years from the first offense; and * * * Five Thousand Dollars
19 (\$5,000.00) * * *, or imprisonment in the county jail for a period
20 not exceeding thirty (30) days for any third or subsequent offense
21 when such offense is committed within a period of three (3) years
22 from the first offense and also upon conviction of such third or
23 subsequent offense, it shall be the duty of the court to revoke
24 the license of the convicted party and of the boat or vessel used
25 in such offense, and no further license shall issue to such person
26 and for the boat to engage in catching or taking of any seafoods

27 from the waters of the State of Mississippi for a period of one
28 (1) year following such conviction. Forfeiture of any equipment
29 or nets used in a second or subsequent offense may be instituted
30 pursuant to Sections 49-7-251 through 49-7-257. If the person in
31 possession of or using the nets in the violation is not the owner
32 or licensee of the nets, the department shall notify the owner or
33 licensee of the nets. The nets shall be subject to forfeiture
34 unless the nets were stolen and prosecution for the theft is
35 initiated. Equipment as used in this section shall not mean boats
36 or vessels. Any person convicted and sentenced under this section
37 for a second or subsequent offense shall not be considered for
38 suspension or other reduction of sentence. Except as provided
39 under subsection (5) of Section 49-15-45, any fines collected
40 under this section shall be paid into the Seafood Fund.

41 (2) All citations issued to boat operators for not
42 possessing the boat's registration card shall be dismissed, along
43 with all related court costs, upon the presentment of the boat's
44 proper registration card to the court or magistrate holding the
45 trial or hearing.

46 SECTION 2. This act shall take effect and be in force from
47 and after July 1, 1999.